

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ISAIAH RODDY JR.,

Plaintiff,

v.

No. CV 10-0646 LH/CG

THE CORNELL MEDICAL SERVICES OF THE  
REGIONAL CORRECTIONAL CENTER,

Defendants.

**ORDER DENYING MOTION FOR SUBPOENA**

**THIS MATTER** is before the Court upon Plaintiff's *Motion for Subpoena* ('Motion'). (Doc. 9). Defendants have not filed any response to Plaintiff's Motion. The Court, being fully advised in this matter, finds Plaintiff's Motion not to be well taken and will **DENY** the Motion **WITHOUT PREJUDICE** as moot.

Plaintiff's Motion will be denied because the issue raised in the Motion has been rendered moot by this Court's Order for a *Martinez* report. (Doc. 15). Plaintiff contends that Defendant Cornell Medical Services ('CMS') had copies of Plaintiff's medical records from the University of New Mexico hospital, where Plaintiff was being treated prior to his incarceration. (Doc. 9). Plaintiff seeks a court ordered subpoena to force CMS to disclose any University of New Mexico hospital records in their possession. (*Id.*). Presumably Plaintiff is requesting this subpoena in an effort to prove that CMS was on notice of Plaintiff's specific medical needs.

In the Court's Order for a *Martinez* report, which has been filed concurrently with this Order, the Court has directed Defendant CMS to provide copies of, amongst other things,

Plaintiff's medical records. (See Doc. 15 at 3). Such records are to include "any records in Defendant's possession relating to Plaintiff's medical treatment at the University of New Mexico Hospital or any other medical facility prior to his incarceration at the [Regional Correctional Center]." (*Id.*). Therefore, the Court's Order for a *Martinez* report fully addresses the issue raised in Plaintiff's Motion and renders Plaintiff's Motion moot.

**IT IS ORDERED** that Plaintiff's *Motion for Subpoena* (Doc. 9) be **DENIED WITHOUT PREJUDICE** as moot.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', written over a horizontal line.

CARMEN E. GARZA  
UNITED STATES MAGISTRATE JUDGE